

FILED
6/21/21 8:31 am
CLERK
U.S. BANKRUPTCY
COURT - WDPa

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:	:	
	:	Bankruptcy No. 21-21145-JAD
GARY J. GRISER and	:	
MARIA F. GRISER,	:	Related Doc. Nos. 18, 22
	:	
Debtors.	:	Chapter 7
	:	

ORDER CONVERTING CASE UNDER CHAPTER 13 TO CASE UNDER CHAPTER 7,
SETTING DEADLINES, SCHEDULING STATUS CONFERENCE, AND
TERMINATING WAGE ATTACHMENT

The Debtors have filed a *Motion To Convert Chapter 13 Case To Chapter 7* converting this case to a case under chapter 7 of the Bankruptcy Code (title 11 of the United States Code).

It is **ORDERED, ADJUDGED, and DECREED** that:

- (1) Any party-in-interest that challenges the good faith of the conversion shall, on or before **July 19, 2021**, file a motion setting forth the basis of the challenge and specifically identifying the relief requested in the event conversion is found not to have been made in good faith.
- (2) The wage attachment(s) issued in this case are immediately **TERMINATED**. The Debtors shall serve a copy of this order on the employer(s).
- (3) **No later than July 6, 2021**, the Debtors shall file a schedule of all unpaid debts incurred after the commencement of the chapter 13 case and before conversion. *Bankruptcy Rule 1019(5)(B)(i)*.
- (4) **No later than July 6, 2021**, the Debtors shall file the statements and schedules required by *Bankruptcy Rules 1019(1)(A)* and *1007(b)*, if such documents have not already been filed.
- (5) **No later than July 21, 2021**, the Debtors shall file a statement of intention with respect to retention or surrender of estate property which secures a debt, as required by 11 U.S.C. §521(a)(2), *Bankruptcy Rule 1019(1)(B)*, and conforming to *Official Form 108*.

- (6) The chapter 13 trustee forthwith shall turn over to the chapter 7 trustee all records and property of the estate remaining in the chapter 13 trustee's custody and control, as required by *Bankruptcy Rule 1019(4)*, except that any remaining funds that do not constitute property of the chapter 7 estate shall be returned to the Debtors.
- (7) **Within 60 days** of the date of this Order, the chapter 13 trustee shall file an accounting of all receipts and distributions made. Jurisdiction over the chapter 13 trustee's certification of disbursements of funds and final report and account remains assigned to the Honorable Jeffery A. Deller Bankruptcy Judge.
- (8) **No later than July 21, 2021**, the Debtors shall, if the case is converted after the confirmation of a plan, file:
 - (a) a schedule of all property not listed in the final report and account of the chapter 13 trustee which was acquired after the commencement of the chapter 13 case but before the entry of this conversion order, *Bankruptcy Rule 1019(5)(C)(i)*;
 - (b) a schedule of unpaid debts not listed in the chapter 13 trustee's final report and account, *Bankruptcy Rule 1019(5)(C)(ii)*; and,
 - (c) a schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 13 case but before the entry of this conversion order, *Bankruptcy Rule 1019(5)(C)(iii)*.

The schedule of claimants under (b) of this paragraph shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the Bankruptcy Rule 1019 Report.

It is **FURTHER ORDERED** that if the Debtors fail to file the documents required by this Order and Bankruptcy Rule 1019 by the aforesaid dates, a Status Conference shall be held on **Wednesday, August 18, 2021**, at **10:00 AM**, via **Zoom with Judge Deller**, to determine whether additional relief is necessary to compel compliance with the terms of this Order. To participate in and join a Zoom Hearing, please initiate and use the following link at least ten (10) minutes prior to the scheduled Zoom Hearing time: <https://www.zoomgov.com/j/160092834573> or alternatively, you may use the following Meeting ID: 160 0928 3473.

All persons are reminded that pursuant to the Court's Notice and Order, and as set forth in Judge Deller's Zoom Procedures, the public's recording or duplication of any audio or video of the hearing is strictly prohibited.

It is **FURTHER ORDERED** that the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*. If the reports and schedules per Paragraphs 3, 8(b) and 8(c) of this Order are filed in time for the Clerk to include post-petition creditors in the §341 notice mailing, the Clerk shall so include the post-petition creditors in that mailing. If said report and schedules are not filed in time for inclusion of the post-petition creditors, ***within ten (10) days of the filing of said report and schedules***, the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*.

It is **FURTHER ORDERED** that ***within forty-five (45) days*** of this Order, all chapter 13 fee petitions by any professional shall be self-scheduled and filed with the Clerk of the Bankruptcy Court. The fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case" and the hearing shall be self-scheduled on Judge Deller's chapter 13 motions calendar.

It is **FURTHER ORDERED** that ***within five (5) days*** hereof Counsel for Debtors shall ***IMMEDIATELY SERVE*** a copy of this Order on all creditors in the above case and shall ***file a Certificate of Service*** with the Clerk of the Bankruptcy Court.

It is **FURTHER ORDERED** that the Court retains jurisdiction over the Chapter 13 Trustee's Report of Receipts and Disbursements and Final Report and Account. Upon submission of the UST Form 13-FR-S: Chapter 13 Trustee's Final Report and Account, the Chapter 13 Trustee is discharged from her duties in this case

Dated: June 21, 2021


Jeffery A. Deller mas
United States Bankruptcy Judge

CASE ADMINISTRATOR SHALL SERVE:
Lawrence W. Willis, Esquire

In re:
Gary J. Griser
Maria F. Griser
Debtors

Case No. 21-21145-JAD
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jun 21, 2021

User: nsha
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 23, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Gary J. Griser, Maria F. Griser, 119 N. Hitchman Street, Mount Pleasant, PA 15666-1503

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 23, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 21, 2021 at the address(es) listed below:

Name	Email Address
Charles O. Zebley, Jr.	COZ@Zeblaw.com PA67@ecfcbis.com;Lyndie@Zeblaw.com
Jennifer L. Cerce	on behalf of Creditor Norwin School District jlc@mbm-law.net
Lawrence W. Willis	on behalf of Debtor Gary J. Griser ecf@westernpabankruptcy.com urfreshstr@gmail.com;willislr88866@notify.bestcase.com
Lawrence W. Willis	on behalf of Joint Debtor Maria F. Griser ecf@westernpabankruptcy.com urfreshstr@gmail.com;willislr88866@notify.bestcase.com
Maria Miksich	on behalf of Creditor PENNYMAC LOAN SERVICES LLC mmiksich@kmlawgroup.com

Office of the United States Trustee

District/off: 0315-2

User: nsha

Page 2 of 2

Date Rcvd: Jun 21, 2021

Form ID: pdf900

Total Noticed: 1

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 7